

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, et al.,
Plaintiff,

vs. CASE NO. 05-CV-00329-GKF SAJ

TYSON FOODS, INC., et al.,
Defendants.

DEPOSITION OF MICHAEL T. HUFF
TAKEN ON BEHALF OF THE DEFENDANTS
ON APRIL 8, 2009, BEGINNING AT 1:30 P.M.
IN TULSA, OKLAHOMA

APPEARANCES:

On behalf of the PLAINTIFF:

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REPORTED BY: Laura L. Robertson, CSR, RPR

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STIPULATIONS

It is stipulated that the deposition of
MICHAEL HUFF may be taken on the APRIL 8, 2009,
pursuant to agreement and in accordance with the
Oklahoma Discovery Code before Laura L. Robertson,
CSR, RPR.

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1 THE VIDEOGRAPHER: This is the deposition of
2 Michael T. Huff, in the matter of the State of
3 Oklahoma versus Tyson Foods, et al. It is being heard
4 before the U.S. District Court for the Northern
5 District of Oklahoma, Case Number is 05-CV-00329.

6 It is being held at 100 West 5th Street in
7 Tulsa, Oklahoma, on the 8th of April, 2009. We are on
8 the record at 1:08 p.m. My name is Stephen Carns and
9 the court reporter is Laura Robertson. Counsel please
10 introduce yourself and affiliations.

11 MR. WALKER: I'm Todd Walker with Faegre &
12 Benson, representing the Cargill defendants.

13 MR. FREEMAN: Bruce Freeman for Conner &
14 Winters for Simmons.

15 MR. CHADICK: Buddy Chadick representing
16 George's, Incorporated.

17 MS. WEAVER: Sharon Weaver with Riggs Abney,
18 representing the State of Oklahoma.

19 WHEREUPON,

20 MICHAEL T. HUFF,
21 after having been first duly sworn, deposes and says
22 in reply to the questions propounded as follows,
23 to-wit:

24 DIRECT EXAMINATION

25 BY MR. WALKER:

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1 Q. Mr. Huff, I'm Todd Walker, would you please
2 state your name for the record.

3 A. Michael T. Huff, H-U-F-F.

4 Q. Would you prefer whether I call you Officer
5 Huff or Mr. Huff?

6 A. Mike is fine.

7 Q. How about Mr. Huff; is that okay?

8 A. That's fine.

9 Q. Okay. Mr. Huff, have you been deposed
10 before?

11 A. Yes, sir.

12 Q. How many times?

13 A. Oh, probably six or eight times over the
14 years.

15 Q. And the most recent time, how long ago?

16 A. Four or five years. I'm trying to think
17 what it was about. But it has been four or five
18 years.

19 Q. Were all of those depositions in connection
20 with police work?

21 A. No, not necessarily. Civil cases along the
22 way. You know, being a witness or whatever in regards
23 to that. I'm trying to think -- that's actually a
24 question I didn't prepare myself for.

25 Q. That's okay, as best you can recall of these

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1 civil matters, what did they generally pertain to,
2 each case, how many of them were there, do you know?

3 A. Probably in the neighborhood of about a half
4 dozen, death situations I think on each one, actually.

5 Q. So these were civil cases that arose from,
6 that you became a witness because of your homicide
7 work?

8 A. Well, because of work, yes, sir, you're
9 right. But they weren't necessarily murder cases.
10 That's where I just kind of drew the line there.

11 Q. Okay. Well, let me go through, you have
12 some familiarity, let me go through kind of the way I
13 conduct depositions and maybe it is a refresher for
14 you on some of the ground rules here that make things
15 work as smoothly as possible.

16 A. Okay.

17 Q. I'm going to be asking you a series of
18 questions about your involvement in this particular
19 case, and if there is any question that you don't
20 understand, I would appreciate it if you would let me
21 know that. I sometimes don't ask the most clear
22 questions and if it doesn't make sense to you, let me
23 know and I will try to rephrase it in a way that you
24 can understand it, okay?

25 A. Yes, sir.

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1 Q. If you go ahead and deliver an answer I will
2 assume that you understood the question in order to
3 give an answer; okay?

4 A. Yes, sir.

5 Q. We have a court reporter here taking down
6 everything that we say. It is important to do a
7 couple things, as best we can so that we get a good
8 record. One is not to talk over one another, it is
9 very common in casual conversations to do so, and you
10 and I and everybody understands what is being said,
11 but it is very hard to read later.

12 So let's do the best we can to wait for each
13 other to finish speaking before we continue with
14 taking turns; okay?

15 A. Yes, sir.

16 Q. The other thing, and you have done a good
17 job so far is to deliver a verbal answer. The court
18 reporter has a difficult time creating a record of
19 head shakes and nods and while it is easy to tell on
20 video or you and I sitting here, we also are trying to
21 create a good written record; okay?

22 A. Yes, sir.

23 Q. If at any time you need to take a break,
24 please let me know, and I'm glad to accommodate that.
25 We have a tape limitation that runs no more than I

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1 think about 80 minutes, so we won't go longer than
2 that without a break, but at any time let me know, all
3 I ask is that you, if there is a question pending, you
4 deliver your answer to the question before we take a
5 break; okay?

6 A. Yes, sir.

7 Q. The court reporter has marked Exhibit 1,
8 which is a subpoena. Do you recognize that document?

9 (Defendant's Exhibit 1 marked for
10 identification)

11 A. Yes, sir.

12 Q. Can you tell me what it is?

13 A. U.S. District Court, State of Oklahoma
14 versus Tyson Foods. It is a subpoena to testify at a
15 deposition to me, listing my address, which is
16 correct, and initially for this location, the date was
17 April 9th initially, but I think one of the other
18 people had a scheduling conflict and I changed dates
19 with them to be today, which is April 8th.

20 Q. Okay. And do you understand that the
21 subpoena also commanded you to produce any documentary
22 or electronically stored information that have
23 relating to this case?

24 A. Yes, sir.

25 Q. Did you bring any documents or electronic

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1 information with you today?

2 A. In relation to this case, no. I don't have
3 any.

4 Q. Do you have any 1099 forms, which is what we
5 have seen other witnesses in your circumstance bring
6 to their deposition?

7 A. I can produce those later. I have been
8 working some long hours and I hadn't brought those
9 today. I didn't get into my files. So I can produce
10 those if you need them.

11 Q. Okay. And I guess I would ask that you do
12 produce those, I think would be best, and when we are
13 at a break sometime, we can work out the most
14 convenient way for us to get those and that everybody
15 agrees to; okay?

16 A. Yes, sir.

17 Q. Other than the 1099s that you have, did you
18 retain any documents relating to your work in this
19 case?

20 A. No, sir.

21 Q. At any time were you asked to destroy any
22 information relating to the work that you have done in
23 this case?

24 A. No, sir.

25 MS. WEAVER: Object to the form.

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1 Q. (BY MR. WALKER) What did you do to prepare
2 for today's deposition, if anything?

3 A. I believe I had a meeting last week just to
4 generally discuss that there would be a deposition,
5 and that was with, I believe Mr. Garren one of the
6 attorneys here in Tulsa, several of us met with him.

7 In addition to that, I really just tried to
8 have some recollections of, you know, instances that I
9 did do some work on this case. But nothing other
10 official.

11 Q. Nothing official, you didn't do any further
12 investigation, or did you review any documents?

13 A. I didn't have any to review, no, sir.

14 Q. Did anybody give you documents to review?

15 A. No, sir.

16 Q. Mr. Garren didn't give you any documents?

17 A. No, sir.

18 Q. Did Mr. Garren show you any documents during
19 your meeting with him?

20 A. No, sir.

21 Q. And that meeting with Mr. Garren was last
22 week?

23 A. I believe it was last Wednesday.

24 Q. Who else was at that meeting last Wednesday?

25 A. I believe Steve Steele was there, Liz

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1 Weatherly, Mike Nance, and I believe Tim Bracken came
2 in a little late. And that's all I can recall.

3 Q. What did Mr. -- did Mr. Garren say anything
4 in that meeting?

5 A. Well, yes, he just generally talked about
6 there would be a deposition, and just gave us
7 basically the directions that you refreshed me on, on,
8 you know, just talk loud and clear, answer the
9 questions in as much detail as you can, and just very
10 general. It was a very short meeting.

11 Q. How long did the meeting last?

12 A. Maybe 30 minutes from the time we walked in
13 the door until the time we walked out.

14 Q. What else did Mr. Garren say in that
15 meeting?

16 A. I don't recall any other specifics about
17 that. I just recall that it was such a short and
18 brief meeting, it was kind of a waste of time, almost.

19 Q. Were there other lawyers at that meeting?

20 A. Not that I recall. I don't think so.

21 Q. Was Ms. Weaver who is sitting at the table
22 there at that meeting?

23 A. No, ma'am. Or no, sir, sorry.

24 Q. Did Mr. Garren talk about questions that you
25 may be asked and testimony that you may give regarding

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1 the scope of your knowledge of the law?

2 MS. WEAVER: Object to the form.

3 THE WITNESS: And be a little bit more
4 specific with that, the scope and knowledge of law
5 aspect of that question.

6 Q. (BY MR. WALKER) Well, I'm asking for you to
7 tell me anything he said. So I'm trying to jog your
8 memory about things that he might have said.

9 A. My memory does need to be jogged on that.
10 We had some discussion amongst ourselves, and I can't
11 recall if Mr. Garren is the one that initiated that or
12 if someone else talked about enforcing laws.

13 Q. What do you recall from that meeting of any
14 discussion about enforcing laws?

15 A. Well, I recall that first of all I think
16 that somebody said we were not police officers in
17 Arkansas, and that our knowledge of the law in regards
18 to this environmental type issue, none of us really
19 possessed any knowledge of whether it would be law or
20 procedure or, you know, policies or whatever. We were
21 just there to observe.

22 Q. I guess I'm a little puzzled. Was it
23 Mr. Garren who was saying this, the limitations on
24 what you knew about the law?

25 A. No, Mr. Garren really was not heavily

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1 involved in that. It is just like all of a sudden I
2 was talking to somebody about something unrelated, and
3 this conversation just evolved, and I didn't really
4 pay that much attention to it.

5 I knew in my feeling, and I didn't
6 participate in the conversation, per se, but I had
7 never been told that we were going to be enforcing any
8 laws in Arkansas. And so I didn't pay much attention
9 to the conversation, I knew that really --

10 Q. You didn't need anybody to tell you how much
11 you knew or didn't know about the law, did you, to
12 prepare for your deposition?

13 A. I didn't need anybody to -- I mean, I'm not
14 an attorney or police officer in the state of Arkansas
15 or anything of that nature. I wasn't there enforcing
16 laws.

17 Q. Yes. But you know what you know. You don't
18 need somebody to tell you what you know about the law
19 or don't know about the law, isn't that a fair
20 statement?

21 A. It is a fair statement.

22 Q. In fact, they don't know what you know about
23 the law, only you know what you know about the law;
24 right?

25 A. Well, I guess you just answered that one for

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1 me.

2 Q. Well, that's actually a question. Is that
3 true or not?

4 A. That is relatively true, yes.

5 Q. Did you do anything else to prepare for your
6 deposition other than attend that meeting last week
7 that Mr. Garren was at?

8 A. No, sir.

9 Q. Have you talked with any of the
10 investigators who worked on this project since, or
11 have you talked to any of them this week?

12 A. Specifically about this?

13 Q. About this case.

14 A. No, sir.

15 Q. Have you talked with Mr. Steve Steele either
16 yesterday or today?

17 A. No, sir.

18 Q. Have you talked with Mr. Stansill today?

19 A. No, sir.

20 Q. You know who Mr. Stansill is; right?

21 A. Yes, sir, Gary Stansill.

22 Q. Have you talked with Mr. Hummell today?

23 A. No, sir.

24 Q. I would like to get an overview of your
25 educational background, and then we will move onto

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1 your work experience, okay?

2 A. Okay.

3 Q. I graduated from high school in 1973 here in
4 Tulsa. From there, went to Tulsa Junior College, got
5 an associates degree in police science, criminal
6 justice. From there, took classes at Northeastern
7 State University in the safety area.

8 I took some classes at the University of
9 Tulsa. Did not complete my bachelor's degree. From
10 that point on, I actually hired on, the good and bad
11 of it was I actually hired on while I was in college
12 under a federal program here at the police department
13 when I was 19, and they had me changing shifts every
14 six months, which created a situation with scheduling
15 for school, which really just got away from me.

16 But from that point on, probably in the
17 early '80s, I completed an instructor development
18 course with the CLEET, which is a state council on law
19 enforcement training, and I have maintained that
20 certification for those years. And I teach, I'm the
21 primary instructor in our Tulsa Police Academy for
22 homicide investigation, preliminary investigation,
23 interview and interrogation.

24 I also instruct on -- I'm a peer group
25 counselor with the critical and state response team,

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1 which I co-founded many years ago. And then I teach
2 throughout the state for CLEET on homicide
3 investigation, cold case investigation, missing
4 persons investigation.

5 I also teach with the regional organized
6 crime information center on cold case investigation.
7 And I am a co-founder of a nonprofit international
8 association on cold case investigators.

9 So I'm pretty active in a relatively limited
10 field.

11 Q. And when did you start working for the Tulsa
12 police force, what year?

13 A. January 16th, 1975. I was 19 years old at
14 that time.

15 Q. And that was before you went to the academy?

16 A. Yes. I went to the academy, started the
17 academy February 16th, 1976, graduated May 16th, 1976,
18 turned 21 June 15th, 1976, and got sworn in that date
19 and have remained employed -- I got promoted in May of
20 1980 and assigned to the homicide squad.

21 And from there, in June of 1989, I was
22 promoted to sergeant and reassigned to patrol, but
23 they kept two long-term homicide investigations with
24 me and with the understanding that I would potentially
25 want to come back and supervise the squad.

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1 So in September of 1991, I came back as a
2 supervisor in a homicide squad and have, you know,
3 remained in that position for a while.

4 Q. Since 1991, or is --

5 A. Yes, sir, yes, sir, I'm still the
6 supervisor. I change shifts along the way. I went
7 from evening shift to day shift on April Fools Day,
8 1996, I remember that day.

9 Q. You remembered a lot of days so far. So
10 that's pretty impressive.

11 Let me ask you some overall questions about
12 this history of training and experience that you have
13 got. Have you ever received training about the
14 management of, or have you ever received training
15 about the environmental laws of the state of Oklahoma?

16 A. No, sir.

17 Q. Have you ever conducted, other than your
18 work in this case, investigations regarding
19 environmental activities?

20 A. No, sir. The closest thing would be, you
21 know, arson situation. But no, sir, not any
22 environmental investigations.

23 Q. And maybe to make the question a little
24 easier, so you don't have to scour your history so
25 much, do you have any experience other than the work

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1 that you did in this case with investigating
2 agricultural environmental issues?

3 A. No, sir, I do not.

4 Q. Do you have any experience in agriculture
5 generally?

6 A. My ex-wife's family owned a dairy farm.

7 Q. Where was that dairy farm?

8 A. In Collinsville, Oklahoma. And as a kid
9 growing up, I hauled hay.

10 Q. You hauled hay?

11 A. That's about as close as I can get to that.

12 Q. That's probably more than I've done. Where
13 were you hauling hay?

14 A. Well, in central Oklahoma my sister had a
15 farm just south of Norman, and summertimes I would
16 help out, you know, hauling hay during the summer.

17 Q. Okay. Hauling from central Oklahoma -- how
18 far were you hauling the hay?

19 A. We were picking up hay in the field and
20 stacking it in people's barns. So we weren't like
21 hauling it across the country.

22 Q. Not over the road?

23 A. No, sir, we were like picking it up. The
24 lowest form of physical work there.

25 Q. My son needs a job like that.

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1 MS. WEAVER: It will grow you up fast, I
2 have done it.

3 Q. (BY MR. WALKER) Do you have any experience
4 in working in any poultry facility?

5 A. No, sir, I do not.

6 Q. Have you ever been on a poultry farm?

7 A. Not that I recall or am aware of.

8 Q. And what kind of experience did you get, if
9 any, being around the dairy farm of your ex-wife's
10 family?

11 A. Well, learned how to milk cows, clean up a
12 barn. You know, kind of tend to and doctor cows that
13 have, you know, infections. Just the general labor of
14 working milking cows twice a day.

15 Q. Were those cows pastured?

16 A. Yes, they were.

17 Q. Did you ever go out in the pasture with the
18 cows?

19 A. Yes, sir.

20 Q. Were there any ponds or streams or anything
21 like that on that property?

22 A. There was a pond, yes, sir.

23 Q. Did the cattle go into that pond?

24 A. Yes, sir.

25 Q. In your experience, that the cattle liked to

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1 go into the water?

2 A. Well, looking back on that, I guess you
3 could say cattle and water do kind of mix.

4 Q. Did you ever see the cattle defecating in
5 the water?

6 A. I don't have a direct recollection of that.

7 Q. Wasn't something you were really looking for
8 then?

9 A. No, sir.

10 Q. It is something that the lawyers in this
11 case look for oddly enough, but I just thought to ask.

12 What were the circumstances that led to you
13 deciding to work on this particular investigation?

14 A. My supervisor at the time, Major Steve
15 Steele asked me if I would potentially have some days
16 that I could expend on a vacation type usage to help
17 him on this case, along with others.

18 And I had plenty of vacation time, and chose
19 to help him.

20 Q. And you were paid for your time doing this
21 work; right?

22 A. Yes, sir.

23 Q. Did he approach you back in 2005?

24 A. I was trying to remember exactly when. I
25 believe it was in the wintertime of either 2005 or

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1 early 2006. The best of my recollection, I couldn't
2 put a date on that time, but there was a meeting that
3 several of us got together with him and spoke about
4 this.

5 Q. Do you know at the time that you began
6 working on this investigation whether other
7 investigators with the Tulsa Police Department and Mr.
8 Steele had already been working on the case?

9 A. I think that I was present at a meeting
10 where there had, at least in my knowledge, I didn't
11 know of anybody else. I don't know what Steve Steele
12 had done, but I don't think it had quite kicked off
13 yet.

14 And somewhere along the way in the early
15 part of it, you know, I kind of picked up some dates
16 here or there, and I can't tell you the exact dates or
17 if other people had preceded me in starting this
18 investigation.

19 Q. Yes, and I'm just trying to figure out if it
20 was your sense that you were involved in the
21 investigation from the kick off at the beginning or if
22 you joined sometime midstream?

23 A. I think it was towards the front end of it.

24 Q. Okay. You have been issued 1099 forms from
25 Lithochemia for your work in this case; correct?

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1 A. Yes, sir, I have.

2 Q. And Lithochemia was who -- well, who did you
3 understand you were working for?

4 A. Well, I believed it to be Lithochemia.

5 Q. Where your paycheck came from; correct?

6 A. Yes, sir.

7 Q. Can you give me an estimate, and I
8 understand you don't have those documents with you
9 today, but can you give me an estimate of how much you
10 were paid for your investigative work in this case?

11 A. I believe that the hourly rate was somewhere
12 around \$30 an hour, give or take. I think that I
13 worked five, maybe six days total, so that would be,
14 and those days were generally at least 10-11 hour
15 days. So we are not talking much more than a thousand
16 dollars, and that's just a ballpark figure.

17 Q. And I didn't have any appreciation for how
18 much time you had spent. So about five or six days
19 total on this project?

20 A. For me, yes, sir.

21 Q. I will represent to you that a number of the
22 investigators have worked over the course of several
23 years on this case. Are you aware of that?

24 A. Yes, sir, I'm aware.

25 Q. Why is it that you only worked five or six

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1 days on this case?

2 A. Well, it got, just in the time span that we
3 were doing this, it seems like every day that, not
4 every day, but several days of those days, we had a
5 homicide that day. So I'm on the phone, you know, I'm
6 not 100 percent, because whenever there is a murder,
7 I'm like start to finish, I'm the supervisor.

8 So I felt kind of odd that -- I felt like I
9 was kind of being derelict in my duties to the police
10 department, and somewhere along the way I had just
11 absolutely torn up the front end on my Explorer from
12 some of those back roads there, and I had like a \$400
13 repair bill for front end work on my Explorer, and I
14 thought, you know, this is not making much sense for
15 me, I feel guilty because I'm not at work and whatever
16 money I have made, I have just -- I bought tires, you
17 know.

18 So it was like -- and I felt like I had
19 responsibilities here. So I kind of just faded out of
20 it.

21 Q. Okay. On those five or six days that you
22 worked, just tell me generally and we can look at some
23 documents, but what did you do?

24 A. Well, initially we just located poultry
25 farms. And mostly I drove, and I just followed

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1 directions, you know, turn left, turn right, go here
2 go there and I was just consumed trying not to be lost
3 every minute of the time.

4 And I know that one day, I recall, and this
5 was probably later on in the time frame, I know one
6 day I was a passenger with Steve Steele, and I think I
7 took some photographs as to, you know, some things
8 there as far as maybe litter truck and things like
9 that.

10 But mainly I was the driver, and that was
11 what pretty much consumed most of my time there.

12 Q. And over what period of time was it that you
13 got these five or six days of work done?

14 A. Well, this is probably over -- it seemed
15 like, to the best of my recollection, it seemed like
16 it was primarily in the spring, maybe two springs,
17 just two or three days each spring.

18 So we are talking about like a year's worth
19 of time.

20 Q. So --

21 A. I think.

22 Q. So one year you might go a couple days, and
23 then the next year you go a couple more, that kind of
24 thing?

25 A. Yes, sir. It was very limited. I didn't

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1 feel like I was contributing very much, because I felt
2 like I was pretty inexperienced, or not totally
3 engaged in the situation.

4 Q. Fair to say that, well, who was supervising
5 you?

6 A. Steve Steele.

7 Q. Do you understand that Steve Steele was
8 supervising all of the investigators working on this
9 project?

10 A. Yes, sir.

11 Q. Would you agree that Steve Steele, because
12 of his role, his understanding of this project was
13 greater than anybody's?

14 A. Absolutely.

15 Q. And that the amount of time that was
16 dedicated to the work that was going on on this
17 project, that Steve Steele spent the most time of
18 anybody?

19 A. Yes, sir.

20 Q. And so to the extent that, you know, Steve
21 Steele has been deposed, and we have asked him a lot
22 of questions, I guess to the extent that you don't
23 know something about what, of the questions that I ask
24 you, would you defer to whatever Steve Steele had to
25 say about the topic?

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1 MS. WEAVER: Object to the form.

2 THE WITNESS: I would probably defer to
3 Steve Steele's knowledge of the overall picture, yes,
4 sir. And, you know, without being just too blunt,
5 there is so many questions I have no clue what the
6 answer would be, and I won't have a problem telling
7 you that along the way or having a recollection.

8 But Mr. Steele was really involved in this
9 thing. And it wasn't a situation where I was a, you
10 know, co-supervisor or anything. I was just a worker
11 bee.

12 Q. And just provided some spot work for five or
13 six days; right?

14 A. Yes, sir.

15 Q. And fair to say the only thing that you
16 probably know more about this case than Steve Steele
17 are any observations that you made in those five or
18 six days that Steve Steele wasn't there; right?

19 A. I would imagine so, yes. I did some work, I
20 think most of my time, I had one day with Steve Steele
21 and most of the other days were with Mike Nance.

22 Q. Okay. We will go through those documents.
23 And just since I wrote this note, we can talk off the
24 record about whether there is any need for you to send
25 in your -- the 1099s, I think given the limited scope

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1 of your work in here that there is not going to be any
2 controversy about the amount of time that you spent.

3 A. Okay, thank you.

4 Q. Are you familiar with what I have learned
5 through the testimony of other investigators before
6 you, of what is known as the ground truthing project?

7 A. Give me some more details on that. I don't
8 recall that specific name.

9 Q. How about the inventory project, of looking
10 at houses and whether they are active or not, poultry
11 houses?

12 A. Well, I think that's maybe what I alluded to
13 in the first round of times, we were just trying to
14 locate places.

15 Q. And it has also been described by Mr. Steele
16 and others that there was a secondary project or
17 objective that actually used different forms, which
18 was to try and observe instances of land application
19 and the movement of litter. Did you work on that part
20 of the project?

21 A. Also, yes, sir. A few days, yes.

22 Q. So you did both, looking for whether barns
23 were active and looking for instances of land
24 application and litter hauling; correct?

25 A. Yes, sir, I think that's what I had answered

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1 previously. Kind of the first part was, of the
2 project was just try to find it, and the second part
3 was to see if there was any activity, as far as
4 spreading, things like that.

5 Q. Okay. In the course of your work over those
6 five or six days, did you actually see any land
7 application going on?

8 A. I did.

9 Q. How many times did you see that happening
10 over those five or six days?

11 A. You know, I would have a tough time coming
12 up with numbers. Numerous occasions. I say numerous,
13 I mean a couple a day, at least.

14 Q. Okay.

15 A. For me.

16 Q. So maybe ten times, something like that?

17 A. Yes, sir. And that's probably going to be a
18 good guess. That's about all it is.

19 Q. It is just a guess, uh?

20 A. Yes.

21 Q. You had seen it, you can't tell me exactly
22 how many times?

23 A. You know, driving and watching for oncoming
24 vehicles, things like that, I mean I had a job to do
25 right there on those little two lane roads and things.

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1 So there are some things that it is like, I know they
2 were talking about it, but I don't quite remember if I
3 saw it, you know.

4 Q. Because your job was primarily when you were
5 out there, you were driving and somebody else was
6 doing the spotting; right?

7 A. Yes, sir. Almost every day except that one
8 day I spent with Steve Steele.

9 Q. Okay. In the course of your work, did you
10 collect any samples of soil or litter or anything?

11 A. No, sir, I did not.

12 Q. Collect any water samples?

13 A. No, sir.

14 Q. Did you go out and attempt to observe
15 whether there was any runoff coming from any fields?

16 A. If any water runoff coming from any fields?

17 Q. Right.

18 A. Not specifically, no, sir.

19 Q. Mr. Steele testified that the crews actually
20 did not go out in the rain. Is that your
21 recollection?

22 A. That's my recollection. I'm trying to
23 remember if one day it might have started to sprinkle
24 on us when we were over there, but I remember a couple
25 days where it was rainy and the trip got canceled.

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1 Q. But if -- in any instance where it might
2 have sprinkled or something like that, was it your
3 assignment to go see if there was any runoff
4 occurring?

5 A. No, sir, not that I recall.

6 Q. Do you recall actually going to see if there
7 was any runoff occurring?

8 A. No, sir.

9 Q. And that was just a poorly asked question.
10 Did you go see if any runoff was occurring at any
11 field?

12 A. No, sir, I did not.

13 Q. In the course of your work, did you
14 interview anybody?

15 A. I don't believe so.

16 Q. You only worked five or six days. I'm just
17 trying to rule out the things you didn't do.

18 A. I'm trying to think. I don't think I talked
19 to anybody in regards to this.

20 Q. Did you contact any farmers, ranchers,
21 poultry growers in the course of your investigation?

22 A. No, sir.

23 Q. Were you instructed to avoid contacting any
24 poultry growers in the course of your work?

25 A. I don't know if it was worded like that or

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1 if it was worded like there is no need to have contact
2 with anybody. We were told not to go on private
3 property, so therefore, you know, it was not a
4 situation really where we had little potential to
5 contact anybody.

6 Q. Okay. And you in fact did not go on
7 anybody's private property to inspect any farms or any
8 fields; correct?

9 A. No, sir.

10 Q. Was that a correct statement?

11 A. That's a correct statement, yes, sir. I
12 didn't go on any private property that I'm aware of.

13 Q. You didn't -- I already asked you if you
14 didn't take any samples.

15 Did you try and do any investigation to
16 determine who owned any particular piece of property?

17 A. No, sir. I take that back. I say I take
18 that back. I remember recognizing that some certain
19 properties would have like, it would have like a
20 certain poultry company's sign up there, and it might
21 have like, just for example, G & G Farm or something
22 like that. But that's as close as -- if you call that
23 investigation, that's as close as we got to it.

24 Q. That was it. You didn't do anything further
25 to determine who owned any particular piece of

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1 property; right?

2 A. No, sir, I didn't.

3 Q. If there was a property that didn't have a
4 sign, you didn't do anything to determine who owned
5 that; right?

6 A. That's right.

7 Q. Did you do anything to determine how any of
8 the land in the Illinois River Watershed had been used
9 historically?

10 A. No, sir, I did not.

11 Q. And are you familiar with the term IRW as
12 standing for Illinois River Watershed?

13 A. Watershed, yes, sir.

14 Q. Yes. Then I'm going to say IRW, because it
15 is easier for me; okay?

16 A. Good for you.

17 Q. Did you do anything to determine the history
18 of commercial fertilizer use in the IRW?

19 A. No, sir.

20 Q. Did you do anything to determine the history
21 of land application of poultry litter in the IRW?

22 A. No, sir.

23 Q. Did you do anything to determine the history
24 of cattle production on land in the IRW?

25 A. No, sir.

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1 Q. Did you do anything to investigate the
2 current level of cattle activity in the IRW?

3 A. No, sir.

4 Q. How about other livestock like horses?

5 A. No, sir.

6 Q. Pigs, swine?

7 A. No.

8 Q. In the course of -- you did make some
9 observations in your work and filled out some forms?

10 A. Yes, sir, I did make some, and I think the
11 forms were pretty much just on one day when I was with
12 Steve Steele, I think.

13 Q. And in the course of doing your work that
14 day, did you report any activity to any governmental
15 agency that you saw?

16 A. No, sir.

17 Q. Did you see anything that you considered to
18 be illegal?

19 MS. WEAVER: Object to the form.

20 THE WITNESS: Going back to that first
21 question as to, you know, the knowledge of it or lack
22 of knowledge of environmental law, we saw some things
23 that we were asked to look for, and that is spreading
24 of poultry.

25 Q. Right.

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1 A. The legalities of it, I was not aware as to
2 the real nuts and bolts of the law.

3 Q. Okay. And I understand that you have
4 whatever limitations you have on what the law is, but
5 based on your knowledge of the law, and in fact that
6 you have gained knowledge of the law being a police
7 officer for 33 years; right?

8 A. Yes. Not environmental law. That's not
9 been my assignment area.

10 Q. And I understand. And we all have different
11 understandings of what the law is; right?

12 A. Yes, sir.

13 Q. Is that a fair statement?

14 A. That's a fair statement.

15 Q. And all I'm asking is what you know. And
16 based on your knowledge of the law, did you see any
17 violations of the law in the investigative work that
18 you did in this case?

19 MS. WEAVER: Object to the form.

20 THE WITNESS: You know, I'm still kind of
21 unclear as to where the laws and regulations and maybe
22 court rulings and whatever have put limitations on the
23 spreading of poultry litter.

24 I saw poultry litter being spread. As to
25 exactly the ins and outs of the law as to where the

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1 locations of spreading that may or may not be
2 prohibited, I didn't know if we were witnessing a
3 violation of the law or of a policy, or whatever.

4 So I still can't tell you today if I saw a
5 crime being broke, you know, committed. I can't tell
6 you --

7 Q. Can't say one way or the other?

8 A. You know, that's a lot of talking to say no,
9 I can't.

10 Q. That's okay. Has anybody ever told you that
11 land applying poultry litter is illegal?

12 A. That land applications of poultry litter is
13 illegal, generally totally, completely, I don't
14 believe I have ever been told that.

15 Q. Are you aware that the state of Oklahoma
16 actually issues permits and nutrient management
17 plans --

18 A. I'm not aware of that.

19 Q. You have never seen a nutrient management
20 plan?

21 A. No, sir.

22 Q. Have you ever operated a litter spreading
23 truck?

24 A. No, sir.

25 Q. Have you ever attempted to calibrate a

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1 litter spreading truck?

2 A. No, sir.

3 Q. Has anybody ever told you how one works?

4 A. No, sir.

5 Q. For whatever instances you saw of land
6 application of litter, do you have any idea how to
7 calculate the rate of application?

8 A. No, sir.

9 Q. Do you have any idea what an agronomic rate
10 means?

11 A. No, sir.

12 Q. In the course of your investigative work
13 where you saw land application of litter occurring,
14 did you make any observations regarding the proximity
15 of any waterbody or stream?

16 A. I remember there was one, one location that
17 was -- it was on a slope, a pretty significant slope
18 in a field, and there was a stream that cut through
19 that field.

20 Now, to tell you exactly where that was or a
21 date and time, but there was a lot of poultry litter
22 spread on that field that day.

23 Q. You saw the trucks working that day?

24 A. Yes, sir, I saw the truck pull up in the
25 field, and I think that particular field, I think that

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1 we saw trucks enter that field two or three times
2 within a couple hours that day.

3 Q. You said a lot of poultry litter. Did you
4 do anything to measure how much litter was put down?

5 A. No, sir, that's -- that was on private
6 property. And when I say a lot, I just -- my
7 recollection is there was a significant amount of dust
8 and the smell was just horrendous.

9 So as opposed to other times where I had
10 just seen a truck just kind of gently going through a
11 field spreading litter, this was like a dust storm of
12 poultry litter.

13 Q. And so in the five or six days of your work
14 experience, this was different than the other things
15 you had seen?

16 A. I think this was the biggest, I say biggest,
17 the most obvious time where there was a lot of litter
18 spread.

19 Q. But you did nothing to measure how much it
20 was; right?

21 A. I did not do that. That was on private
22 property.

23 Q. You did nothing to actually test what it was
24 that was being applied; right?

25 A. Other than smell it and having a pretty good

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1 idea at that time that that was probably poultry
2 litter, I did no scientific thing at all, no, sir.

3 Q. You didn't collect any samples and make any
4 determination of how much phosphorous, for example, or
5 phosphate was in the litter, did you?

6 A. Absolutely not.

7 Q. If there was any at all, did you?

8 A. I think that we can say, in any instance I
9 ever was involved in, I never did any kind of forensic
10 testing or, you know, measure levels or anything like
11 that.

12 Q. You said that there was a slope on that
13 particular property. In any of the investigative work
14 that you did, did you make any effort to determine the
15 grade of any slopes?

16 A. No, sir.

17 Q. Did you make any effort in any of your
18 investigations to measure the distance from where land
19 application was occurring to any waterbody or stream?

20 A. I think there was some discussion as to
21 distance estimates, but it was on private property,
22 and we did not have a tool that could make a
23 measurement, you know, from a distance.

24 But I don't believe I was -- I think I was
25 driving that day, and I don't know what actually made

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1 it to a log or if anything, but I know there was some
2 discussion about, you know, that that's right on that
3 stream.

4 Q. I think that's a lot of words, and let me
5 ask the question again. Did you do anything to
6 measure --

7 A. No.

8 Q. -- the distance from land application to any
9 waterbody or stream?

10 A. No, sir.

11 Q. Did you do anything to follow the trucks
12 that were transporting litter in the IRW?

13 A. We followed some trucks that transported
14 litter.

15 Q. Did you follow any trucks that left the IRW
16 with litter?

17 A. I don't recall.

18 Q. What was the purpose of following trucks
19 that had litter in them?

20 A. Just to get an idea if they were going to
21 spread the litter, and then document that.

22 Q. Did you ever talk with the driver of the
23 litter spreading truck or of a litter hauling truck to
24 determine who they were or who they worked for?

25 A. No, sir.

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1 Q. I asked you about whether you talked with
2 any growers. I want to ask you a couple other
3 questions that are not quite the same.

4 Did you talk with any employees of any of
5 the integrators or defendants in this case in the
6 course of your investigation?

7 A. No, sir.

8 Q. Did you talk with any landowners who weren't
9 poultry farmers, because you already said you didn't
10 talk with them, but did you talk with any other
11 landowners in the course of your investigative work?

12 A. No, sir.

13 Q. Did you make all of your observations,
14 whatever they were from the public right-of-way?

15 A. Yes, sir.

16 Q. Given that you were restricted to making
17 observations from the public right-of-way, would you
18 agree that there were instances that you could not
19 make observations of whatever poultry farming
20 activities were going on at a particular property?

21 A. Were there times I couldn't see what was
22 going on?

23 Q. Right.

24 A. Yes, sir.

25 Q. And in those times, did you make any effort

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1 to talk with the owner of the property?

2 A. No, sir.

3 Q. Would you agree that the owner of the
4 property would be in the, a better position than you
5 to be able to describe what was going on with that
6 property?

7 A. Yes, sir.

8 Q. Do you recall making any observations in the
9 course of your work of litter storage?

10 A. Yes, sir.

11 Q. Do you recall making any observations of
12 litter piles?

13 A. Yes, sir.

14 Q. And not within a storage structure?

15 A. Yes, sir, I saw litter piles. What I
16 believed to be litter piles.

17 Q. Did you see the process of a truck hauling
18 litter going to a facility to unload that litter?

19 A. To go to a field to spread it or to go to a
20 storage facility to unload it?

21 Q. Well, why don't you answer both for now, and
22 then I will follow-up.

23 A. I do not recall seeing a truck go to a
24 storage facility to specifically unload litter. And
25 by a storage facility, the only ones I can recall that

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1 I observed were, you know, just tin, you know, a
2 covered shed without sides, just a roof. I don't
3 recall anybody going in to put any litter in a
4 facility like that.

5 I do recall, as I had answered earlier, that
6 I saw trucks going to fields to spread litter.

7 Q. These were trucks that were spreader trucks;
8 correct?

9 A. Yes, sir.

10 Q. Did you personally observe the process of a
11 poultry barn clean out in the case, in the course of
12 your investigation?

13 A. I think I saw a couple situations, just very
14 briefly while I was driving where they would be
15 pushing litter out of a long, low barn and piling it
16 up outside.

17 Q. And was that litter being loaded into
18 trucks?

19 A. I think I might have seen one or two times
20 where they were actually loading a truck that had, you
21 know, they were working off of a already established
22 pile of litter outside.

23 Q. Did you ever go back to determine whether
24 any of the litter that you saw being moved out of a
25 house remained there or when it was hauled away,

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1 anything like that?

2 A. I think there were days where we would go
3 back to check on a litter pile to see if it was still
4 there, or if it had been, you know, moved.

5 Q. Okay. Mr. Huff, you worked a grand total of
6 five or six days. Tell me every instance in those
7 five or six days that you went back to check on a
8 litter pile.

9 A. Oh, I can't tell you every instance. I mean
10 I can tell you that there were times when we would be
11 in a general area and we would just find our self
12 driving country roads and say, hey, where is that
13 place, you know, we are back here again. I can't tell
14 you every instance.

15 But I can tell you that there were times
16 when we would actually, we would find ourselves almost
17 lost doing circles on section roads, and find
18 ourselves driving past the same litter pile multiple
19 times.

20 Q. In the same day?

21 A. Yes, sir. There are some places in Arkansas
22 that I traveled past many times on the same day, and
23 almost didn't realize it. You know, just because I'm
24 focused on traffic or not trying to be hit by a truck
25 that's taking up most all of the country road I'm on.

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1 Q. Is it fair --

2 A. There are times when we just drove in
3 circles, and not by design, just by looking for
4 Oklahoma to come back home.

5 Q. In the course of the work you were doing,
6 you worked in a team; correct?

7 A. Yes, sir.

8 Q. And you were usually driving; right?

9 A. Yes, sir.

10 Q. And was the other person usually writing the
11 stuff down?

12 A. Yes, sir, writing down, taking pictures or,
13 you know, using a GPS.

14 Q. Were you instructed as a team to be sure to
15 document any of the observations of the kind of
16 activity you were looking for?

17 A. Yes, sir.

18 Q. Is it fair to say that over the course of
19 the five or six days that you worked that your team in
20 fact accomplished that objective of documenting
21 whatever it was that you saw that you were looking
22 for?

23 A. I believe so.

24 Q. So if we were wondering whether you drove
25 around and round and saw the same pile five or six

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1 times in a day, or whatever it is that you did, would
2 you agree that the best source of that information
3 would be the inspection documents that you and your
4 teammate prepared?

5 A. Yes, sir.

6 Q. Do you have any specific recollection of
7 visiting any Cargill farms, any farms that were
8 operated by a Cargill contract grower?

9 A. No specific recollections.

10 (Defendant's Exhibit 2 marked for
11 identification)

12 Q. The court reporter has marked Exhibit 2,
13 which is a collection of three pages of forms. Are
14 you familiar with the first page of Exhibit 2?

15 A. I recognize this as one of the types of
16 forms that we were working off of. The specific form,
17 I don't recognize, but in general, I think this was
18 the form we were generally working off of.

19 Q. And you didn't fill out any of these forms,
20 because you were driving, except for the day that you
21 went with Steve Steele and he was driving; right?

22 A. That's my recollection, yes, sir.

23 Q. Do you know what the second page of Exhibit
24 2 is?

25 A. This is the poultry house inventory record.

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1 You know, I don't recall using or seeing this form,
2 but that might just be I just don't recall that form.

3 Q. Okay. How about the third page of Exhibit
4 2, do you recall what that form is?

5 A. This form I think was used early on when we
6 were just trying to locate poultry farms, I believe.

7 Q. You think the third form was used for
8 identifying whether the farms were active or not?

9 A. I believe so.

10 Q. Okay. Mr. Huff, the court reporter has
11 marked as Exhibit 3 another collection of forms that I
12 have assembled, and I will represent to you that they
13 are all of the forms that I and my able or more able
14 associate could locate that in any way might relate to
15 a Cargill grower that also had your name on it; okay?

16 (Defendant's Exhibit 3 marked for
17 identification)

18 A. Okay.

19 Q. Can you flip through these forms and just
20 familiarize yourself with the fact that your name does
21 appear on each of these?

22 A. Yes, sir.

23 Q. Among the forms that are in Exhibit 3, are
24 there any that have your handwriting on them?

25 A. Yes, sir, there are.

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1 Q. Please direct me to which pages and they are
2 numbered pages in the bottom right-hand corner.

3 A. Okay. Forms that I see here are -- is it
4 this serial number or is it the bottom number you're
5 looking for.

6 Q. The bottom number that starts OK-PL?

7 A. Right.

8 Q. You don't have to read all of the zeros.

9 A. 12681, 12686.

10 Q. Okay.

11 A. 12689 and 12699.

12 Q. And would you agree with me that all of
13 those forms were completed when you were working with
14 Steve Steele?

15 A. Right. And which is a better recollection
16 here, obviously more than one day with Steve Steele.
17 I think there are four separate days here listed.

18 Q. Let's look at that.

19 A. Okay.

20 Q. You have got 3-29 of 2007 is the date on
21 12681; correct?

22 A. Yes, sir.

23 Q. Is it the same day on the next form?

24 A. Yes, sir, it is.

25 Q. Is it the same day on the third form?

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1 A. Okay. So, yes.

2 Q. And then the last form has a different date.
3 What is that?

4 A. 4-6 of 2007. So it is actually two separate
5 dates.

6 Q. Two days you rode with Mr. Steele?

7 A. I guess so.

8 Q. Let's go to the first page of Exhibit 3. I
9 take it -- well, if you know, is this Mr. Nance's
10 handwriting?

11 A. Yes, sir, it is.

12 Q. Do you agree that that day you went and saw
13 the D.E. Rucker Farm, Honeysuckle White?

14 A. Well, apparently if it is noted, yes, sir.
15 I don't have any independent recollection of that,
16 because I was the driver. But, yes, I was with Nance
17 when this form was filled out.

18 Q. Okay. So you were driving, you went
19 wherever you went and he filled out the form?

20 A. Yes, sir.

21 Q. Do you have any independent recollection of
22 any observations of the D.E. Rucker Honeysuckle White
23 form, or Farm?

24 A. No, sir.

25 Q. Go to the next page. I will ask you the

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1 same question, do you have any independent
2 recollection other than what is reflected on this form
3 of any activity at the Hill Haven Farm that day?

4 A. No, sir.

5 Q. In fact, staying on that page, there is an
6 observation that says could be observed from public
7 access and no is circled; correct?

8 A. Where is that?

9 Q. It is just below where it has -- do you see
10 that?

11 A. Could be observed from -- yes, sir, that's
12 circled.

13 Q. What is circled?

14 A. It says no, just what you said.

15 Q. And is that an example of one of the
16 circumstances where you went to make an observation
17 and you couldn't see anything on the property because
18 you were on the public road?

19 A. Well, that would be how it was noted. I
20 don't recall the specific, but yes, sir.

21 Q. Okay. Next page, Bates labeled 661, do you
22 have any independent recollection other than what
23 appears on this form of visiting the Fisher East Farm?

24 A. No, sir.

25 Q. Next page, number 664, any independent

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1 recollection regarding the Whispering Pine Farm?

2 A. No, sir.

3 Q. I will make it as exciting as I can here,
4 but I will press on.

5 Page number 674, do you, sir, have any
6 recollection of having viewed the Linda Emmerson
7 Willowbrook Foods Farm?

8 A. No, sir.

9 Q. How was that?

10 A. Thank you.

11 Q. The next page, 12677, I would like you to
12 take a moment to look at that. It indicates a
13 reference to Edwards Farms, and I guess my question
14 is, is this document talking about land application of
15 litter at some other location than Edwards Farms, or
16 do you even know?

17 A. You know, I don't have much recollection
18 here about the situation. It appears that three
19 trucks were observed loading, and the trucks started
20 to move, and that we followed the trucks down the
21 highway to an area where the trucks pulled off into a
22 field and spread their load.

23 Q. Okay. Do you have any specific independent
24 recollection of that activity that day?

25 A. No, sir, I'm sorry.

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1 Q. Do you recall what those trucks looked like?

2 A. No, sir, other than just a poultry spreader
3 truck, I don't recall what they looked like, or any
4 tag numbers.

5 Q. And you don't know whose land they went to
6 to do the spreading?

7 A. No, sir.

8 Q. And you don't know who was operating the
9 vehicles that were involved in the hauling and the
10 spreading; correct?

11 A. No, sir.

12 Q. The next page is a map. Do you recognize
13 that as Steve Steele's handwriting?

14 A. Yes, sir, I do.

15 Q. And I asked Steve Steele questions about
16 that map, would you defer to his testimony with regard
17 to what the purpose of that map was?

18 A. Yes, sir.

19 Q. The next page is 12681, do you have any
20 specific recollection of the activity noted on that
21 document?

22 A. I believe this is the situation I was
23 speaking about earlier where the creek was within that
24 sloping field.

25 Q. Okay.

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1 A. That they put, you know, a pretty good size
2 load in.

3 Q. Where you saw litter being put down, you
4 said it was really dusty; right?

5 A. Yes, sir.

6 Q. But you didn't take any measurements of how
7 close to the creek the litter was applied; right?

8 A. I couldn't.

9 Q. You couldn't and you didn't; right?

10 A. I didn't.

11 Q. And you didn't take any measurements of what
12 that slope was; right?

13 A. No, sir.

14 Q. The next page, 12686, that doesn't have any
15 farm indicated, but it has a note, very green and over
16 fertilized. You wrote that note; correct?

17 A. Yes, sir.

18 Q. Did Mr. Steele tell you to write that, or
19 was that your own observation?

20 A. He pointed that out to me and said this is
21 an over fertilized field.

22 Q. Okay. So I asked Mr. Steele about
23 this particular document yesterday, would you defer to
24 what Mr. Steele testified to with regard to what he
25 meant and what he knew with regard to that form?

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1 MS. WEAVER: Object to the form. Go ahead.

2 THE WITNESS: I would imagine so. I don't
3 know exactly what he said. But this is -- my
4 recollection is pretty limited.

5 Q. (BY MR. WALKER) You wrote down what Steve
6 Steele told you to write down on this form; correct?

7 A. Yes, sir.

8 Q. So do you agree that Steve Steele would be
9 in the best position to testify about what very green
10 and over fertilized means on this form?

11 A. Yes, sir.

12 Q. And he already did so. On the next page,
13 12689, do you have any specific recollection of the
14 activity relating to this document?

15 A. No, I don't. I don't recall.

16 Q. Did you write this form?

17 A. Yes, sir.

18 Q. And toward the end of the narrative, you
19 note that two trucks proceeded NB and pulled into a
20 field and rapidly dumped their loads of chicken waste.
21 Do you see that?

22 A. Uh-huh.

23 Q. Were you referring to, when you used the
24 term rapidly dumped, were you referring to the fact
25 that they land applied that litter quickly?

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1 A. Very quickly. And I recall, and I can't
2 remember if it is exactly this one, some trucks just
3 speeding through fields at a high rate of speed and
4 just bouncing all over the place dumping that. But I
5 don't recall if that was specifically this instance
6 that I recall that, but that's what I would
7 characterize that, rapidly dumping.

8 Q. Did anybody ever tell you that there was
9 anything right or wrong about how fast a truck drives
10 through the field when it is land applying?

11 A. No, it just looked pretty nearly out of
12 control is the way I thought --

13 Q. You wouldn't drive the truck that way?

14 A. I would almost expect a truck to turn over
15 with these hilly fields. And that's all I meant here.
16 It wasn't like there was a speed limit in the field.

17 Q. And so he was breaking the field speed
18 limit, though apparently? And I'm joking.

19 A. No, sir, I was just actually concerned for
20 their safety is when I --

21 Q. That was the point of that message, or that
22 note?

23 A. Yes, sir.

24 Q. Anything else to add about your recollection
25 on document labeled 12689?

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1 A. No, sir.

2 Q. The next page, 12699, that's also your
3 handwriting; correct?

4 A. Yes, sir, it is.

5 Q. Do you have any specific recollection of the
6 activity you were documenting on this form?

7 A. I don't recall the specifics, sir, I'm
8 sorry.

9 Q. Was it Mr. Steele who pointed out to you
10 that obviously applicated bright green vegetation, was
11 that his comment that you documented?

12 A. I believe so.

13 Q. And would you agree that in that case Mr.
14 Steele is the best person to testify about what it was
15 he meant or knew about that statement?

16 A. Yes, sir.

17 MR. WALKER: I think now is a good time to
18 take a break. I may be close to done.

19 (Short break)

20 Q. (BY MR. WALKER) I just want to ask a few
21 questions that I might have intended to ask and didn't
22 get to.

23 A. Okay.

24 Q. To pick up a few pieces here. During the
25 course of your five or six days of work, did you

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1 observe any sampling activities that were being
2 conducted by others?

3 A. No, sir.

4 Q. You testified at the beginning of your
5 deposition about having met with Mr. Garren in the
6 course of, actually, I don't even remember if I asked
7 you. Maybe I'm confused. Did you have a meeting with
8 the lawyers in this case before you started your work?

9 A. I think Mr. Garren was the primary person
10 that conducted that initial meeting where there were
11 probably a dozen or 15 of us there.

12 Q. Okay. And during the course of that
13 meeting, did Mr. Garren or anybody in that meeting
14 inform you or say that poultry litter is hazardous
15 waste?

16 A. I don't recall that.

17 Q. Did any of them tell you that your health
18 could be at risk in the course of conducting this
19 work?

20 A. I don't recall that.

21 Q. Did any of them say that you could be
22 exposed to harmful chemicals in the poultry land
23 application process?

24 A. I don't recall.

25 Q. Did anybody tell you that you might be

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1 exposed to harmful bacteria?

2 A. I don't recall that.

3 Q. Did the state or Mr. Garren or anybody issue
4 any protective equipment to you to use in the course
5 of your work?

6 A. No, sir.

7 Q. Do you know where the IRW is?

8 A. Not specifically, no, sir.

9 Q. Do you have any knowledge about the fate and
10 transport of chemicals in the environment?

11 A. No, sir.

12 Q. I think I asked you, but I want to be sure.
13 Do you have any knowledge of what the term agronomic
14 rate means?

15 A. No, sir.

16 Q. Do you have any knowledge about what the
17 appropriate application rate of fertilizer is with
18 respect to any crop or forage?

19 A. No, sir.

20 Q. I would like to just run through a series of
21 questions to be sure that I have well understood your
22 testimony today; okay?

23 A. Yes, sir.

24 Q. In the course of your work, you did not set
25 foot on a single contract grower's property; correct?

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1 A. Not that I'm aware of.

2 Q. And you didn't talk with any growers; right?

3 A. No, sir.

4 Q. You didn't talk with any integrator
5 employees; right?

6 A. No, sir.

7 Q. You didn't run any tests on any materials?

8 A. No, sir.

9 Q. You didn't take any samples?

10 A. No, sir.

11 Q. You didn't observe any runoff of water from
12 any fields?

13 A. No, sir.

14 Q. You didn't investigate the extent and
15 location of cattle operations in the IRW?

16 A. No, sir.

17 Q. You didn't investigate the location and
18 function of any septic systems in the IRW?

19 A. No, sir.

20 Q. And you didn't report any of your
21 observations to any state agency?

22 A. No, sir.

23 MR. WALKER: Mr. Huff, thank you for
24 answering my questions today. I will pass the
25 witness.

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1 MR. FREEMAN: I don't care when I do it. Do
2 you want to do it?

3 DIRECT EXAMINATION

4 BY MR. CHADICK:

5 Q. Mr. Huff, my name is Buddy Chadick, we met
6 earlier. I represent George's, which is a poultry
7 integrator located in Springdale, Arkansas.

8 I reviewed the documents that the state of
9 Oklahoma turned over to me, and I can find no forms
10 which indicate that you inspected any George's
11 grower's farms. Do you have any recollection of
12 observing a George's grower's farm?

13 A. No, sir.

14 MR. CHADICK: That's all I have.

15 DIRECT EXAMINATION

16 BY MR. FREEMAN:

17 Q. Good afternoon, sir.

18 A. Yes, sir.

19 Q. My name is Bruce Freeman, and I'm here on
20 behalf of Simmons, who is a defendant in the lawsuit.
21 And let me just run through some things. I think I
22 will have one whole exhibit for you at the end.

23 Did you attend any kind of a meeting with
24 Dr. Bert Fisher?

25 A. Possibly he was at that first meeting with

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1 Mr. Garren where several of us were there before this
2 thing kicked off.

3 Q. Do you know who Bert Fisher is?

4 A. Generally.

5 Q. Would you recognize him?

6 A. Maybe.

7 Q. Okay. At the first meeting, that kick off
8 meeting that you talked about, did anyone tell you
9 that spreading poultry litter on fields was any kind
10 of a crime?

11 A. I don't recall that.

12 Q. When you went out on the few days that you
13 did, did you receive any kind of a packet or to do
14 list?

15 A. I believe initially when we were trying to
16 locate the poultry farms, we were given a list of
17 locations to try to find, but as the driver I was just
18 pretty much following directions.

19 Q. Do you know who prepared the list of places
20 you were trying to find?

21 A. Well, I think the lists were provided to us
22 by Mr. Steele, but I don't know if he prepared those.
23 I don't know who did that.

24 Q. Did you have any kind of a map with your
25 list?

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1 A. I believe we did initially have some sort of
2 map connected to each sheet.

3 Q. Did you all check out any kind of equipment?

4 A. We had cameras, a GPS device and maybe
5 binoculars, but I don't know if Mike Nance brought
6 those individually or not. Maybe there was a video
7 camera also later on.

8 Q. On the days that you were out, did you make
9 any attempt to figure out what kind of birds were in a
10 particular grower's farm?

11 A. No, sir.

12 Q. Did you have any idea of why it was that
13 people were spreading poultry litter on fields from
14 trucks?

15 A. Did I have any idea?

16 Q. Sure, why would they be doing it in the
17 first place.

18 A. I guess I really didn't put that much
19 thought into it. If it was to try to get rid of it or
20 try to actually fertilize a field. I know the fields
21 that apparently had some poultry litter on it were
22 beautiful green fields.

23 Q. Do you own any property yourself outside of
24 a town?

25 A. Yes, sir.

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1 Q. Okay. Would you consider it like farm or
2 ranch property or is it purely residential?

3 A. Well, I live on five acres, and -- but it is
4 primarily residential.

5 Q. Did you receive any instructions to avoid
6 being detected while you all were out in the watershed
7 area surveilling?

8 A. I don't think any instructions on avoid
9 being detected. The instructions were to be on, you
10 know, a thoroughfare and not on any private land, and
11 if there was anybody that was trying to have a
12 confrontation with you, to avoid it.

13 Q. Did you have any confrontations?

14 A. I didn't.

15 Q. Anybody try to box you in or follow you or
16 anything?

17 A. No, they did not.

18 Q. While you were out on the days that you were
19 participating, did you see any cows?

20 A. Yes, sir.

21 Q. Do you recall there being team meetings on
22 the days that you all would go out?

23 A. We would have like lunch together, but I
24 don't necessarily know if you would, you know, call
25 that a team meeting. But we would most usually try to

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1 find somewhere to have lunch together.

2 Q. Did you go out by yourself or were you part
3 of a team on the days you participated?

4 A. I was always with somebody, and it was
5 either Mike Nance or Steve Steele.

6 Q. And we have seen a couple of dates I guess
7 you were with Mr. Steele because of those sheets we
8 looked at earlier today?

9 A. Yes, sir.

10 Q. Did you ever have -- strike that. Let me
11 start over.

12 Did the teams keep in touch with each other
13 by cell phone, radio, anything like that?

14 A. Yes, sir.

15 Q. Did you have occasion on the days you were
16 out to communicate with the other teams to go do
17 something jointly, besides lunch?

18 A. I think that we actually came across, you
19 know, another team or two on occasion where they would
20 be following a truck, and it would just pass us, or
21 something like that.

22 But I don't recall any, you know, really
23 planned, you know, surveillances or anything. It was
24 more a chance meeting.

25 Q. Was there an airplane involved on the days

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1 that you were around?

2 A. A couple days there was an airplane
3 involved.

4 Q. Do you know who the airplane belonged to?

5 A. Well, I know that -- who it was flown by. I
6 don't know if it belonged to him or it was rented or
7 leased by him or whatever. But it was Danny Lynchard.

8 Q. And Mr. Lynchard is Tulsa Police Department?

9 A. He is the primary Chaplin for the Tulsa
10 Police Department.

11 Q. And apparently a pilot?

12 A. I didn't know that until then. Yes, sir.

13 Q. Did you have occasion to ride in the plane?

14 A. I never rode in the plane.

15 Q. Did you have occasion to communicate with
16 the plane?

17 A. I didn't have any direct communication with
18 the plane.

19 Q. Do you know what the plane was used for?

20 A. I think as a spotter.

21 Q. Like to spot what?

22 A. Spot trucks spreading, things of that
23 nature. That was my understanding.

24 Q. Okay. But if I got your testimony right,
25 you didn't have occasion to get like a call from the

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1 plane saying go to this place, I saw a truck from the
2 air?

3 A. We never did.

4 Q. Did you ever do any serving of subpoenas in
5 the case?

6 A. No, sir.

7 Q. I think you said your instructions were to
8 stay on the road and not go onto private property?

9 A. Yes, sir.

10 Q. Okay. When you were with Mr. Nance, were
11 you the driver on those days?

12 A. Yes, sir, I was.

13 Q. So would he be the one taking pictures?

14 A. Yes, sir.

15 Q. How about on the days when you were with Mr.
16 Steele, was he the driver or were you the driver?

17 A. He was the driver those couple of days.

18 Q. So on those days you would probably be the
19 one taking pictures or whatever?

20 A. Yes, sir.

21 Q. To the extent you can generalize from your
22 days on the project, how long would it take you all to
23 note the condition of a farm to put on the forms
24 during a first visit?

25 A. What do you mean by note the condition of a

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1 farm?

2 Q. Sure. Well, you know, we looked at Exhibit
3 3 to your deposition; right, and there were a variety
4 of handwritten notes about different farms, you know,
5 like people are circling things about structure or,
6 you know, poultry sound stuff like that.

7 So what I'm getting at is how long would one
8 of those visits take?

9 A. Well, you know, in a generalization.

10 Q. Sure.

11 A. Maybe a couple minutes, two, three minutes.
12 You would pull up, slow down, you know, dependent on
13 traffic, you might not slow down very much. But maybe
14 you will turn around and come back by just to kind of
15 get a different vantage point to see, you know, to see
16 what you can see from the road.

17 Q. You had talked about there being a phase I,
18 where you all were trying to see kind of where the
19 active houses were?

20 A. That's kind of how I recalled it.

21 Q. And I'm happy to go with that, because that
22 just makes sure we are on the same page.

23 A. Yes, sir.

24 Q. All I really want to know about that is on
25 the days that you were doing that part of the project,

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1 I guess it was two or three, how many would you be
2 expected to go find and look at in a day?

3 A. Anywhere from 10 to 20, depending on
4 distances. You know, sometimes there was a bit of
5 distance in between these, and then trying to find
6 them on top of that, you know, it wasn't like driving
7 on city blocks.

8 Q. Did anybody ever come out from one of the
9 farms and talk to you all to see what you were doing?

10 A. No, sir.

11 Q. Did anyone ask you to photograph the signs
12 at farms?

13 A. Do you mean as far as the, in the planning
14 meeting or whatever, that part of the instructions?

15 Q. Sure. Well, let's break it up actually, I
16 appreciate you doing that. At the first meeting that
17 you were at, did anyone tell you you should be
18 photographing the signs?

19 A. Well, I don't really remember very much of
20 what happened during that first meeting, and I don't
21 remember any specific instructions as to photograph
22 those signs.

23 But once we got there and found those signs,
24 we thought, well this makes sense, obviously to do.
25 So it was just a good picture.

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1 Q. Did you generally stay in the vehicle on the
2 days you were working, or would you guys get out and
3 walk around and look at stuff?

4 A. I would stay in the vehicle.

5 Q. And then we talked, you talked a little bit
6 with counsel earlier about the next phase where you
7 all were like going behind litter trucks, that sort of
8 deal?

9 A. Yes, sir.

10 Q. On those days, did you get any kind of a
11 packet or to do list telling you where to go to look?

12 A. I don't recall getting any specific packet.
13 I do recall, you know, some days where we were given a
14 general area to go to. But, you know, I really just
15 kind of followed directions there.

16 Q. Had you ever done any work with Major Steele
17 before, of an investigation nature, outside the police
18 department?

19 A. I don't recall anything.

20 Q. But did you know he had like a company that
21 did that?

22 A. Well, I didn't know if this was the start of
23 the company or not. I never really had any idea what
24 was going on with him there.

25 Q. Now, were all of the other people on the

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1 teams that you were familiar with also Tulsa Police
2 Department officers?

3 A. I believe everybody was.

4 Q. Were they mostly people you already knew, at
5 least in passing?

6 A. Oh, sure.

7 Q. You all might have slightly different, you
8 know, rules and privileges from the ordinary citizen.
9 Did you go armed when you were out, you know, in the
10 rural areas looking at all of this stuff?

11 A. I think maybe I had a gun with me in the
12 car, but that's not out of the ordinary.

13 Q. I would like to show you something, sir, I
14 guess it will be Exhibit 4. And I apologize to
15 counsel, I just used almost all of my copies of it
16 with Rod Hummell right before we came over here. So I
17 have got one for you and I have got one for
18 Ms. Weaver, but I don't really have one for everybody
19 else.

20 Sir, the reporter has handed you what she's
21 put a sticker on there as Deposition Exhibit 4. If it
22 is any help, I will represent to you that what we did,
23 very selfishly, because I represent Simmons is we
24 stacked together some sheets that have Simmons' name
25 on them.

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1 And some of the sheets on the back don't
2 have your name on them at all as an observer, but some
3 of the ones up front do. And so I would like to focus
4 on those.

5 (Defendant's Exhibit 4 marked for
6 identification).

7 A. Okay.

8 Q. The fastest way is to just kind of go
9 through them real quickly page by page. The first
10 page of the exhibit has the little number 679 down in
11 the little right-hand corner, we use those for knowing
12 what we are talking about?

13 A. Yes, sir.

14 Q. Is any part of this in your handwriting?

15 A. Yes, sir, it is all in my handwriting.

16 Q. Okay. And can you tell, because my date
17 looks kind of scratched through and funny. Can you
18 tell what date it was filled out?

19 A. It appears to be 3-29 of 2007.

20 Q. Okay. And that's a date you had already
21 talked about earlier as being out with Mr. Steele?

22 A. Yes, sir.

23 Q. In the deposition. Do you know whether this
24 was what we have been calling phase I or phase II?

25 A. I believe this is the phase II in looking

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1 for vehicles spreading litter.

2 Q. So there is a reference to some photo
3 frames. You would have put those in; right?

4 A. Yes, sir.

5 Q. And then there is some notes. The first
6 sentence, I'm sorry, the second sentence in the notes
7 there, says the vehicle proceeded to a Simmons' farm.
8 Would that have been something you wrote?

9 A. Yes, sir.

10 Q. And by Simmons' farm, do you mean a farm
11 owned by someone that had a contract to grow for
12 Simmons, or, you know, a farm owned by Simmons, or
13 something else?

14 A. Well, I would imagine that that would, in my
15 reference to that, would be just to a farm that has
16 Simmons' sign on it.

17 Q. So I guess this would have been filled out
18 in March of 2007, and it is April of 2009. As you sit
19 here, do you have any recollection of what is on here,
20 or do you just know what is on the form?

21 A. Just see the form and see my handwriting. I
22 don't recall the specifics.

23 Q. Okay.

24 A. Sorry.

25 Q. That's all right. Then we will just -- this

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1 may not take that long then, we will just go look at
2 the next one.

3 The next page in the exhibit is 687, down
4 there in the bottom, it is just the second page.

5 A. Uh-huh.

6 Q. I can see the date is a little easier on
7 this one, it looks also like March 29, 2007.

8 A. Uh-huh.

9 Q. And it has observers Steve Steele and Mike
10 Huff. Is this also all in your handwriting?

11 A. Yes, sir, it is.

12 Q. Okay. So do we conclude from the observer's
13 names that it was probably the two of you all out in
14 the vehicle?

15 A. Yes, sir.

16 Q. About midway down the notes, there is a
17 reference to an extreme stench of a fresh spread.
18 Would that be something you wrote?

19 A. Yes, sir.

20 Q. Okay. Would that be something you were
21 thinking or would that be something that Mr. Steele
22 would ask you to write down?

23 A. You know, if I had put that down, I think
24 maybe that he had made a comment about a fresh stench.
25 But if I had written that there was an extreme stench,

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1 it would have probably have been a pretty significant
2 thing, and I don't think I would have just noted that
3 because he said it, I probably would have smelled it,
4 too.

5 Q. It says here the location was eight miles
6 from the chicken farm location of the Mack truck?

7 A. Yes, sir.

8 Q. Do you know what chicken farm location
9 that's talking about?

10 A. Well, the next line it says for further
11 details see waypoint 11, which is that previous page,
12 number 679 is referring to waypoint 11. That's where
13 I talk about a Simmons farm.

14 Q. So -- oh, I see on the first page it says,
15 "See waypoint 19."

16 A. Yes.

17 Q. So these pages are kind of related?

18 A. Yes, sir.

19 Q. All right. And then the next page, 688, and
20 I apologize, it is not a very good copy, but it looks
21 to be some kind of photograph or a map. Would that be
22 something that you wrote on? I can't tell from the
23 handwriting?

24 A. That handwriting is Steve Steele's, and I
25 have not seen this page before.

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1 Q. Okay. Well then we will just go past it.
2 How about the next page that has 682 in the
3 bottom?

4 A. Yes, sir.

5 Q. And I think I'm getting the hang of this
6 now, it says waypoint 14?

7 A. Yes, sir.

8 Q. And it is you and Mr. Steele again. There
9 is a reference here that's near the end, I will just
10 read it for you to save you the trouble. It says,
11 "Last year this operation utilized six ton trucks and
12 this year they use larger trucks."

13 So what I wanted to ask you was, first, how
14 did you know what kind of trucks the operation
15 utilized last year?

16 A. That would have had to come from Mr. Steele,
17 because actually I don't have any -- I haven't seen
18 any reports or anything that I actually was involved
19 in 2006. So this is a 2007 report referring to a 2006
20 situation. I don't really think -- I think that's
21 when I kind of drifted away from it for the biggest
22 part of that time.

23 So I would have just been noting here what
24 Mr. Steele had told me.

25 Q. Okay. Do you have any independent

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1 recollection just from looking at the sheet?

2 A. No, sir.

3 Q. And graph?

4 A. I don't.

5 Q. That's all right. Let's go to the next one.

6 2685 is in the bottom corner there, make sure we are
7 on the same sheet.

8 A. Okay.

9 Q. It is like waypoint 17. You and Mr. Steele
10 again on March 29, 2007, talks about Latco Farms
11 Simmons. What I wanted to ask you about particularly
12 was it says in the notes area a, "A large area of bare
13 ground was observed where it appeared that a previous
14 large pile of waste had been located." And it goes
15 on.

16 Would that have been your observation or
17 were you writing down something Mr. Steele told you?
18 Can you tell?

19 A. Maybe a little of both. I don't think it
20 would have been something that I would have recognized
21 immediately from my experience level on this, but
22 maybe he pointed it out to me.

23 Q. Okay. Do you have any recollection of it
24 just from looking at the sheet?

25 A. No, sir, I don't.

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1 Q. I think we are actually getting pretty close
2 to the end of anything you appear on, which is
3 probably how you like it.

4 Let's go to the next sheet, which is 12700,
5 down in the bottom. And we change dates. This one,
6 can you tell me what date this is?

7 A. 4-6 of 2007.

8 Q. Okay. I think in Exhibit 3 the Cargill
9 Exhibit we had seen, you and Mr. Steele out on that
10 date already?

11 A. Yes, sir.

12 Q. So that's not like a new date to us. Is any
13 of this in your handwriting?

14 A. It appears to all be in my handwriting.

15 Q. Okay. Feel free to read what it says there
16 about it. My question really is do you have any
17 memory of this event?

18 A. No, sir, I don't.

19 Q. The next one over also has your name on it
20 unfortunately for you, so I will have to ask you about
21 it. It is 12701 down at the bottom?

22 A. Yes.

23 Q. Can you tell what date this one is?

24 A. Well, it says 4-6 of 2006, but I would
25 imagine that's my mistake for not marking in 2007,

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1 because on 4-6 of 2007, I had waypoint 19, this one is
2 referring to waypoint 20, so I'm figuring that's on
3 that same date.

4 Q. So it is really 2007?

5 A. Yes, sir.

6 Q. That takes care of that question. If you
7 would read the notes there to yourself for me?

8 A. Yes, sir.

9 Q. When you have had a chance to look at it, my
10 question is going to be, does this jog any memories?

11 A. No, sir, it doesn't.

12 Q. I wanted to ask you about something on here,
13 it has some frame number references, which I'm
14 guessing are photos?

15 A. Yes, sir.

16 Q. And some of them are bracketed. It says,
17 "From the aircraft," and then some say, "Nearby pond
18 green." Does this help at all in knowing whether you
19 had communicated with the aircraft?

20 A. This is -- this is that bottom part is Steve
21 Steele's handwriting, and you will see in my
22 handwriting up top, where it says photo frames 5858
23 through 5869. These photo files are 5885 through
24 5890, and it is in Steele's handwriting, and I
25 don't -- those aren't my pictures.

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1 Q. Oh, so it is from the aircraft and the
2 nearby pond, not your handwriting? That's his then;
3 right?

4 A. That's his handwriting, so I just assume
5 that he's referring to those with some photos that
6 maybe he took.

7 Q. Just a couple more of these and then you're
8 done. The next sheet is 12702 in the bottom?

9 A. Yes.

10 Q. And it looks like he did scratch in 2007 on
11 that one, so it is the same day; right?

12 A. Yes, sir.

13 Q. It is you and Mr. Steele. It talks about
14 evidence of litter spreading with feathers in the
15 field. I was wondering if you can tell us today
16 whether that's something that you had observed or he
17 observed or you both observed?

18 A. May have been something we both observed.

19 Q. Do you remember seeing feathers in any
20 fields as you sit here?

21 A. Yes, sir.

22 Q. How close would you have been to a field
23 then to see the feathers?

24 A. Well, within, potentially within just 15-20
25 feet away from the road to the field.

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1 Q. Okay.

2 A. So --

3 Q. So do you have an actual recollection of
4 seeing feathers at least once in a field?

5 A. Yes, sir.

6 Q. More than once?

7 A. More than once, yes, sir.

8 Q. So let's try the next one, which I think is
9 the last one your name is on here. That is 12703. Do
10 we agree it is April 6, 2007?

11 A. Yes, sir.

12 Q. Again, you and Mr. Steele. And the notes
13 say, "Evidence of chicken litter in the roadway," and
14 then in parenthesis "from Simmons Homeland Farm." And
15 let me ask you first, is that something you wrote?

16 A. That appears to be Mr. Steele's handwriting.

17 Q. Okay. So I'm not going to make you vouch
18 for what he writes. Do you know as you sit here what
19 he would base the evidence of chicken litter in the
20 roadway being from a Simmons Homeland Farm?

21 A. I don't recall specifically on this.

22 Q. Let me check quickly, but I don't think your
23 name appears on any of the rest of this. So I guess
24 you're off the hook on those sheets.

25 And that's all I have for you, sir. There

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1 may be some questions from somebody else, but thanks
2 for coming.

3 MS. WEAVER: I have nothing.

4 MR. FREEMAN: Do you want to read and
5 sign --

6 MR. WALKER: You have an opportunity to
7 review the court reporter's transcript of your
8 deposition today and look and see if you need to make
9 any corrections or you can waive that opportunity to
10 review and have her just send it on to the lawyers.
11 What would you like to do?

12 THE WITNESS: I imagine I would probably
13 take a quick look at it, make certain.

14 MR. WALKER: Okay. He will read and sign.

15 (DEPOSITION CONCLUDED AT 3:09 P.M.)
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1 CERTIFICATE

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3 I, LAURA L. ROBERTSON, Certified Shorthand
4 Reporter, do hereby certify that the above-named MICHAEL HUFF,
5 was by me first duly sworn to testify the truth, the whole
6 truth, and nothing but the truth, in the case
7 aforesaid; that the above and foregoing deposition was
8 by me taken in shorthand and thereafter transcribed;
9 that the same was taken APRIL 8, 2009, in the City of
10 Tulsa, State of Oklahoma, pursuant to agreement, and
11 under the stipulations hereinbefore set out; and that
12 I am not an attorney for nor relative of any of said
13 parties or otherwise interested in the event of said
14 action.

15 IN WITNESS WHEREOF, I have hereunto set my
16 hand and official seal this 15th day of April, 2009.

17 _____
18 LAURA L. ROBERTSON, CSR, RPR
19 State of Oklahoma, No. 01472
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21
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1 ERRATA SHEET

2 STATE OF OKLAHOMA VS. TYSON FOODS

3 DEPOSITION OF MICHAEL HUFF

4 REPORTER: Laura L. Robertson, CSR, RPR

5 DATE DEPOSITION TAKEN: APRIL 8, 2009

6 PR FILE # 9833

7 Page Line Correction

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JURAT

STATE OF OKLAHOMA VS. TYSON FOODS

PR. FILE # 9833

I, MICHAEL HUFF, do hereby state under oath
that I have read the above and foregoing deposition in
its entirety and that the same is a full, true and
correct transcription of my testimony so given at said
time and place, except for the corrections noted.

MICHAEL HUFF

Subscribed and sworn to before me, the
Notary Public in and for the State of Oklahoma, by
said witness, _____, on this,
the ____ day of _____, 2009.

NOTARY PUBLIC

My Commission Expires: _____

(LLR)PR FILE # 9833